

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TATSIANA HUPALA, d/b/a “ADAM’S
OFFER,” an individual,

Plaintiff,

v.

TIANHAI Central Air Conditioning Co., Ltd,
SALLY BEARD an individual,
AMAZON.COM, INC., and DOES 1-4,

Defendants.

Case No. C22-1408 RSM

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. On January 3, 2023, the Court stayed this case and directed the parties to enter arbitration pursuant to the Business Solutions Agreement in effect between them. Dkt. #38. The parties were directed to file *joint* status reports every 90 days until the arbitration concluded. The Court has received several status reports in the last year. Dkts. #39 through #42. Each report indicates that it was prepared by Amazon only, with no input from Plaintiff. Plaintiff has not initiated arbitration proceedings or corresponded with Amazon.

Rule 41(b) allows district courts to dismiss an action for failure to prosecute or to comply with rules or a court order. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 629-30, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962) (a district court’s “power to [dismiss an

1 action for failure to prosecute] is necessary in order to prevent undue delays in the disposition of
2 pending cases and to avoid congestion” in the calendars of the district courts); *Hells Canyon*
3 *Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (explaining that “courts
4 may dismiss under Rule 41(b) sua sponte” for a plaintiff’s failure to prosecute or comply with
5 the court’s orders or the Federal Rules of Civil Procedure); *Ghazali v. Moran*, 46 F.3d 52, 53
6 (9th Cir. 1995) (failure to follow a district court’s local rules is a proper ground for dismissal).

8 It appears that Plaintiff has failed to comply with the Court’s Order by failing to initiate
9 arbitration and failing to contribute to joint status reports. Furthermore, she has apparently
10 failed to prosecute her case in the last year. In Response to this Order, Plaintiff must write a
11 short statement explaining why this case should not be dismissed given the above. **This**
12 **Response may not exceed six (6) pages.**

14 The Court hereby finds and ORDERS that Plaintiff shall file this Response to this Order
15 to Show Cause **no later than thirty (30) days from the date of this Order**. Failure to file this
16 Response will result in dismissal of this case.

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19 DATED this 2nd day of January, 2024.

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22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
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